

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME I 1934 NUMBER 173

Washington, Thursday, November 12, 1936

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of November A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[File No. 21-267]

IN THE MATTER OF TRADE PRACTICE RULES FOR THE SCHOOL SUPPLIES AND EQUIPMENT DISTRIBUTING INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been had under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717),

It is now ordered that the trade practice rules of Group I which have been approved by the Commission in this proceeding and those of Group II which have been received by the Commission as expressions of the industry be, and the same are hereby, promulgated for the School Supplies and Equipment Distributing Industry, as follows:

TRADE PRACTICE RULES

SCHOOL SUPPLIES AND EQUIPMENT DISTRIBUTING INDUSTRY

These rules promulgated by the Commission are designed to foster and promote fair competitive conditions in the interest of industry and the public. They are not to be used, directly or indirectly, as part of or in connection with any combination or agreement to fix prices, or for the suppression of competition, or otherwise to unreasonably restrain trade.

Group I

The unfair trade practices which are embraced in Group I rules are considered to be unfair methods of competition or other illegal practices within the statutes and the decisions of the Federal Trade Commission and the courts; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use of such unlawful practices in or directly affecting interstate commerce.

Rule 1.

Wilfully inducing or attempting to induce, by any false or deceptive means whatsoever, the breach of any lawful contract or contracts existing between competitors and their customers or their suppliers, or wilfully interfering with or obstructing the performance of any such contractual duties or services, with the purpose and effect of unduly hampering, injuring, or embarrassing competitors in their businesses, is an unfair trade practice.

Rule 2.

Defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, ques-

tionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies or services, with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice.

Rule 3.

The making, or causing or permitting to be made or published, any false, untrue, or deceptive statement or representation, by way of advertisement or otherwise, concerning the grade, quality, quantity, substance, character, nature, origin, size, or preparation of any product of the industry, or in any other material respect, with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

Rule 4.

Wilfully enticing away the employees of competitors, with the purpose and effect of unduly hampering, injuring, or embarrassing competitors in their businesses, is an unfair trade practice.

Rule 5.

(a) *Prohibited Discriminatory Differentials, Rebates, Refunds, Discounts, Credits, and Other Allowances.*—It is an unfair trade practice for any member of the industry engaged in commerce,¹ in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any price differentials, rebates, refunds, discounts, credits, or other allowances which effectuate a discrimination in price between different purchasers of goods of like grade and quality where either or any of the purchases involved therein are in commerce¹ and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce¹ or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination or with customers of either of them: *Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from

¹ As herein used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States; *Provided, That this shall not apply to the Philippine Islands.*



FEDERAL REGISTER

Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the Federal Register will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 5 cents; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the Federal Register should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

TABLE OF CONTENTS

| | |
|--|------|
| Federal Trade Commission: | Page |
| Promulgation of trade practice rules: | |
| School Supplies and Equipment Distributing Industry..... | 2075 |
| Interstate Commerce Commission: | |
| Applications for relief from long-and-short-haul provision, Interstate Commerce Act: | |
| Automobile parts to the South..... | 2079 |
| Can ends from Pennsylvania to Louisiana..... | 2079 |
| Canned goods to the South..... | 2079 |
| Fertilizer from Savannah, Ga..... | 2078 |
| Gravel to North Henderson, Ill..... | 2079 |
| Notice of hearings: | |
| Bellamy, Paul E., application to operate as broker.... | 2078 |
| Moore Transportation Co., Inc., application to operate as carrier..... | 2078 |
| Rural Electrification Administration: | |
| Allocation of funds for loan..... | 2079 |
| Securities and Exchange Commission: | |
| Notice of hearings: | |
| Emporia Gold Mines, Inc..... | 2081 |
| National Invested Savings Corp..... | 2081 |
| National Silver Corp..... | 2079 |
| Order for continuance, offering sheet by: | |
| Carraher, W. H..... | 2081 |
| Order terminating proceeding, offering sheet by: | |
| Industrial Investment Corp..... | 2081 |

the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce¹ from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

¹ As herein used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States; Provided, That this shall not apply to the Philippine Islands.

(b) *Prohibited Brokerages and Commissions.*—It is an unfair trade practice for any member of the industry engaged in commerce,¹ in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited Advertising or Promotional Allowances, Etc.*—It is an unfair trade practice for any member of the industry engaged in commerce¹ to pay or contract for the payment of advertising or promotion allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited Discriminatory Services or Facilities.*—It is unfair trade practice for any member of the industry engaged in commerce¹ to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or by furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Illegal Price Discrimination.*—It is an unfair trade practice for any member of the industry or other person engaged in commerce,¹ in the course of such commerce to discriminate in price in any other respect contrary to Section 2 of the Clayton Act as amended by the Act of Congress, approved June 19, 1936 (Public, No. 692, 74th Congress), or knowingly to induce or receive a discrimination in price which is prohibited by such section as amended.

Rule 6.

The practice of selling industry products below the seller's cost, with the intent and with the effect of injuring a competitor and where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably restrain trade, is an unfair trade practice; all elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this rule.

Rule 7.

Directly or indirectly to give or permit to be given or offer to give money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase industry products from the maker of such gift or offer, or to influence such employers or principals to refrain from dealing or contracting to deal with competitors, is an unfair trade practice.

Rule 8.

The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of a competitor, not made in good faith but for the purpose of harassing or intimidating such customers or prospective customers or otherwise prejudicing or injuring competitors in their businesses, is an unfair trade practice.

Rule 9.

The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more

other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice.

Rule 10.

Offering for sale merchandise at prices purported to be reduced from what are in fact marked-up or fictitious prices, with the tendency or capacity to mislead or deceive purchasers, prospective purchasers, or the consuming public, is an unfair trade practice.

Rule 11.

The use of the word "free" where not properly or fairly qualified when the article is in fact not free, with the tendency or capacity to mislead or deceive purchasers, prospective purchasers, or the consuming public, is an unfair trade practice.

Rule 12.

The selling or offering for sale of merchandise packed in odd-sized or odd-shaped containers or packages, simulating in size or shape standard size or shaped containers or packages, designed to hold and known to the purchasing public as standard containers or packages, with the tendency, capacity, or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public as to the contents of such containers or packages, and with the tendency to injuriously affect the business of competitors, is an unfair trade practice.

Rule 13.

The practice of shipping or delivering products which do not conform to the samples submitted or representations made prior to securing the orders, without the consent of the purchasers to such substitutions, and having the tendency, capacity, or effect of deceiving or misleading purchasers, prospective purchasers, or the consuming public, is an unfair trade practice.

Rule 14.

For any person, firm, or corporation to give anything of value to those employed in any capacity involving special trust (such as instructor, purchaser, agent, supervisor, or school official), without the knowledge of their employers, upon the condition or understanding, express or implied, that its goods be recommended or used by such person in preference to the goods or equipment of a competitor or competitors of that person, firm, or corporation, with the tendency to injuriously affect the business of competitors, is an unfair trade practice; provided, that nothing in this resolution shall prevent any person, firm, or corporation from selling its goods to anyone upon whatever terms it sees fit but without any condition or understanding, express or implied, as to the recommendation or use of said goods or equipment.

Rule 15.

The imitation of the trade-marks, trade names, brands, labels, or other marks of identification of competitors, having the tendency, capacity, or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice.

Rule 16.

Securing information from competitors concerning their businesses by false or misleading statements or representations, or by false impersonations of one in authority, and the wrongful use thereof to unduly hinder or stifle the competition of such competitors, is an unfair trade practice.

Rule 17.

In connection with the sale or offering for sale of products of the industry, representing through advertising or otherwise that such products conform to any standards recognized in or applicable to the industry when such is not the fact, with the tendency, capacity, or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice.

Rule 18.

It is an unfair trade practice for any member of the industry to use the practice of shipping goods on consignment for the purpose and with the effect of artificially clogging trade outlets and unduly restricting competitors' use of said trade outlets in getting their goods to consumers through regular channels of distribution, or with such purpose to entirely close said trade outlets to such competitors so as to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade; provided, however, that nothing herein shall be construed or used as restricting or preventing consignment shipping or marketing of commodities in good faith and without artificial interference with competitors' use of the usual channels of distribution in such manner as thereby to suppress competition or restrain trade.

Rule 19.

Withholding from or inserting in the invoice statements which make the invoice a false record, wholly or in part, of the transaction represented on the face thereof, with the purpose or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice.

Rule 20.

The practice of using any product of the industry as a "loss leader" to induce the purchase of other merchandise the sale of which merchandise is used to recoup the loss sustained on the "loss leader" product so sold, with the tendency or capacity of misleading or deceiving purchasers, prospective purchasers, or the consuming public, and which unfairly diverts trade from, or otherwise injures, competitors, is an unfair trade practice.

Rule 21.

For any person, firm, or corporation to hold himself or itself out to the public as a wholesaler, when such is not the fact, or in any other manner to misrepresent the character, extent, or type of his business, with the tendency or capacity to mislead or deceive purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

Group II

The trade practices embraced in Group II rules do not, per se, constitute violations of law. They are considered by the industry either to be unethical, uneconomical, or otherwise objectionable; or to be conducive to sound business methods which the industry desires to encourage and promote. Such rules, when they conform to the above specifications and are not violative of law, will be received by the Commission, but the observance of said rules must depend upon and be accomplished through the cooperation of the members of the industry concerned, exercised in accordance with existing law. Where, however, such practices are used in such manner as to become unfair methods of competition in commerce or a violation of any law over which the Commission has jurisdiction, appropriate proceedings will be instituted by the Commission as in the case of violation of Group I rules.

Rule A.

The industry records its approval of distributing to its members information covering delinquent and slow accounts in so far as this may be lawfully done.

Rule B.

(a) The industry approves the practice of each individual member of the industry independently publishing and circulating to the purchasing trade his own price lists.

(b) The industry approves the practice of making the terms of sale a part of all published price schedules.

Rule C.

It is the judgment of the industry that each member should independently keep proper and accurate records for determining his own costs.

Rule D.

The industry approves the practice of handling business disputes between members of the industry and their customers in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should be made by the disputants themselves to compose their differences. If unable to do so, they should, if possible, submit these disputes to arbitration.

Rule E.

All members of this industry shall protect the consumer, not only as far as is required by law but as required by good morals and the best ethics of business.

Rule F.

The industry condemns fake or fictitious bids made for the purpose of deceiving competitors and securing undue advantage. If plans and specifications are changed and new bids called for after the original bids have been submitted and opened, the same fairness should obtain as with the original bid.

Rule G.

In cases of competitive bidding, the practice of receiving or making so-called blind bids, which discount the lowest competitive bid regardless of the amount, tends to destroy competitive bidding, and is condemned by the industry.

A Committee on Trade Practices of five members is hereby created by the industry to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper to put these rules into effect.

By direction of the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 3350—Filed, November 11, 1936; 11:26 a. m.]

INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 7th day of November A. D. 1936.

[No. MC 31980]

APPLICATION OF PAUL E. BELLAMY FOR AUTHORITY TO OPERATE AS A BROKER

In the Matter of the Application of Paul E. Bellamy, Individual, Doing Business as Gordon-Bellamy Distributors, of Bellamy Building, Rapid City, S. Dak., for a License (Form BMC B), Authorizing Operation as a Broker for the Purpose of Arranging Transportation of Commodities Generally, with Exceptions, in Interstate Commerce, by Motor Vehicle in the States of Nebraska, South Dakota, Wyoming, Colorado, and Montana

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner;

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner M. T. Corcoran for hearing on the 1st day of December A. D. 1936, at 10 o'clock a. m. (standard time), at the Federal Building, Rapid City, S. Dak., and for recommendation of an appropriate order thereon accompanied by the reasons therefor;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the

Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 3352—Filed, November 11, 1936; 11:43 a. m.]

ORDER

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 6th day of November A. D. 1936.

[No. MC 2042]

APPLICATION OF MOORE TRANSPORTATION CO., INC., FOR AUTHORITY TO OPERATE AS A COMMON CARRIER

In the Matter of the Application of Moore Transportation Co., Inc., of 3713 West Second Street, Dayton, Ohio, for a Certificate of Public Convenience and Necessity (Form BMC 1), Authorizing Operation as a Common Carrier by Motor Vehicle in the Transportation of Commodities Generally, in Interstate Commerce, in the States of Illinois, Indiana, Kentucky, Ohio, and Pennsylvania, Over the Following Routes

Route No. 1.—Between Dayton, Ohio, and Chicago, Ill., via Fort Wayne and Dyer, Ind.

Route No. 2.—Between Dayton, Ohio, and Louisville, Ky.

Route No. 3.—Between Dayton, Ohio, and Pittsburgh, Pa.

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner;

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner W. A. Maidens for hearing on the 30th day of November A. D. 1936 at 10 o'clock a. m. (standard time) at the U. S. Court Rooms, Dayton, Ohio, and for recommendation of an appropriate order thereon accompanied by the reasons therefor;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 3351—Filed, November 11, 1936; 11:43 a. m.]

[Fourth Section Application No. 16901]

FERTILIZER FROM SAVANNAH, GA.

NOVEMBER 11, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: Atlantic Coast Line Railroad Company.

Commodities involved: Fertilizer and fertilizer materials, in carloads.

From: Savannah, Ga.

To: Stations on the Columbia, Newberry, and Laurens Railroad. Grounds for relief: Circuitous routes.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 3353—Filed, November 11, 1936; 11:43 a. m.]

[Fourth Section Application No. 16602]

GRAVEL TO NORTH HENDERSON, ILL.

NOVEMBER 11, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: R. A. Sperry, Agent.
Commodity involved: Gravel, road surfacing, in carloads.
From: La Grange, Mo.
To: North Henderson, Ill.
Grounds for relief: Truck competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 3354—Filed, November 11, 1936; 11:43 a. m.]

[Fourth Section Application No. 16603]

CAN ENDS FROM PENNSYLVANIA TO LOUISIANA

NOVEMBER 11, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: B. T. Jones, Agent, pursuant to Fourth Section Order No. 9800.
Commodity involved: Can ends, tin, in carloads.
From: Canonsburg and New Castle, Pa.
To: Harvey and New Orleans, La.
Grounds for relief: Carrier competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 3355—Filed, November 11, 1936; 11:44 a. m.]

[Fourth Section Application No. 16604]

AUTOMOBILE PARTS TO THE SOUTH

NOVEMBER 11, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: B. T. Jones, Agent pursuant to Fourth Section Order No. 9800.
Commodities involved: Automobile parts, viz: bodies, passenger or freight, or combined passenger and freight, in carloads.
From: Points in Central Freight Association territory.
To: Points in the South.
Grounds for relief: Carrier competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 3356—Filed, November 11, 1936; 11:44 a. m.]

[Fourth Section Application No. 16605]

CANNED GOODS TO THE SOUTH

NOVEMBER 11, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: B. T. Jones, Agent, pursuant to Fourth Section Order No. 9800.
Commodity involved: Canned or preserved foodstuffs, in carloads.
From: Points in Illinois and Indiana.
To: Points in Louisiana, Arkansas, and Mississippi.
Grounds for relief: Carrier competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 3357—Filed, November 11, 1936; 11:44 a. m.]

RURAL ELECTRIFICATION ADMINISTRATION:

[Administrative Order No. 29]

ALLOCATION OF FUNDS FOR LOAN

NOVEMBER 10, 1936.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loan for the project and in the amount as set forth in the following schedule:

| Project Designation: | Amount |
|---|-----------|
| Maryland 4B St. Marys (Additional)..... | \$130,000 |

MORRIS L. COOKE, *Administrator*.

[F. R. Doc. 3349—Filed, November 11, 1936; 9:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of November A. D. 1936.

IN THE MATTER OF NATIONAL SILVER CORPORATION CAPITAL STOCK \$1 PAR VALUE NONASSESSABLE

ORDER TO SHOW CAUSE AND FOR HEARING, DESIGNATING OFFICER AND TIME AND PLACE FOR TAKING TESTIMONY

Whereas, National Silver Corporation, a corporation, is the issuer of Capital Stock, \$1 Par Value, Non-Assessable; and

Whereas, said National Silver Corporation registered such securities on the San Francisco Mining Exchange, a National Securities Exchange, by filing on or about January 3, 1936, an application with the said Exchange and with the Com-

mission pursuant to Section 12 (b) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule JB1, as amended, promulgated by the Commission thereunder; and

Whereas, said Rule JB1, as amended, at the time said application was filed and at all subsequent times did and does require such applications to be filed on Form 10 for Corporations; and

Whereas, in accordance with the provisions of Form 10 for Corporations, the Instructions and Rules and Regulations of the Commission supplemental thereto, as amended, as to the use of said Form 10 for Corporations, both at the time said application was filed and at all subsequent times, Item 10 (a) of said Form did and does require the registrant to list any and all subsidiaries of the registrant, indicating the respective percentages of voting power as required by the Instructions; Item 11 of said Form did and does require the registrant to describe briefly the general character of the business done by the registrant and its subsidiaries, and any substantial changes which may have occurred in the general character of the business within the preceding five years; Item 12 of said Form did and does require the registrant to state briefly the general character and location of the principal plants and other important units of the registrant and subsidiaries, and if any principal plant or important unit is not held in fee, to so state and describe how held; Items 13 (a), 13 (b), 14, 15, 16, and 17 of said Form were and are required to be answered as of the date of the balance sheet required to be filed with such application; Item 26 of said Form did and does require a statement of the aggregate remuneration paid by the registrant and its subsidiaries directly or indirectly to (a) each director of the registrant, naming them, (b) each of the officers of the registrant receiving the three highest amounts, naming them, (c) all other officers of the registrant, indicating the total amount and number of officers without naming them, (d) all employees of the registrant who received from the registrant in excess of \$20,000 during the past fiscal year, indicating the number of such employees without naming them; Item 30 of said Form did and does require the registrant to state briefly and concisely the general effect of all material management and general supervisory contracts now in effect providing for management of or services to the registrant or any of its subsidiaries; Item 31 of said Form did and does require the registrant to state briefly and concisely the general effect of all material advisory construction and service contracts with affiliates now in effect providing for management of or services to the registrant or any of its subsidiaries; Item 34 of said Form did and does require the registrant to submit an answer to said Item certified in accordance with and in the manner prescribed by the Instruction Book for Form 10 for Corporations; Item 36 of said Form did and does require the registrant to submit financial statements in accordance with the Instructions and Rules and Regulations of the Commission supplemental thereto; and

Whereas, said National Silver Corporation has failed to comply with the provisions of said Section 12 (b) of said Securities Exchange Act, as amended, and with the provisions of said Form 10 for Corporations and with the provisions of the said Instructions and Rules and Regulations of the Commission supplemental thereto, as amended, in that in neither the application filed by it for registration of said securities on said Exchange pursuant to said Section 12 (b) nor in any amendment thereto does—

Item 10 (a) of said Form indicate the respective percentage of voting power of the registrant in its subsidiary, Big Silver Mining Company, although required by the Rules and Regulations of the Commission; nor are

Items 11, 12, 26, 30, and 31 of said Form answered with respect to the Big Silver Mining Company, although such items request information concerning subsidiaries of the registrant and although such information is required by the Rules and Regulations of the Commission; nor do

Items 13 (a), 13 (b), 14, 15, 16, and 17 of said Form contain answers dated as of the date of the balance sheet

required to be filed with said application for registration, although required by the Rules and Regulations of the Commission; nor are

Subdivisions (a), (b), and (c) of Item 34 of said Form separately certified by either the board of directors through its authorized agent or by the chief accounting officer of the registrant or by independent public or independent certified public accountants, although required by the Rules and Regulations of the Commission; nor does

Item 36 contain a balance sheet and applicable schedules for the registrant's fiscal year ended December 31, 1934, and a certificate of an independent public or independent certified public accountant meeting the requirements of the Instruction Book covering said balance sheet and said schedules, although required by the Rules and Regulations of the Commission; and

Whereas, said National Silver Corporation has failed to comply with Section 13 (a) and (b) of said Securities Exchange Act, as amended, and with Rules KA1 and KA2 promulgated by the Commission thereunder in that as issuer of said Capital Stock, \$1 Par Value, Non-Assessable, it has failed to file the information and documents required by Rule KA1, adopted by the Commission pursuant to said Section 13 (a) and has failed to file its annual report for the year ended December 31, 1935, on Form 10-K as required by Rule KA2, adopted by the Commission pursuant to said Section 13 (b);

It is ordered, that pursuant to Section 19 (a) (2) of said Securities Exchange Act of 1934, as amended, a hearing be held to determine whether said National Silver Corporation has so failed to comply with said provisions of said Section 12 (b) (1) and said Section 13 (a) and (b) and said Rules and Regulations promulgated by the Commission, thereunder, or with any provision of either of said Sections or of any rule or regulation promulgated by the Commission under either of said Sections, and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of said Capital Stock, \$1 Par Value, Nonassessable, on said San Francisco Mining Exchange; and

It is further ordered, that said National Silver Corporation appear before an officer of the Commission and show cause why the registration of said Capital Stock, \$1 Par Value, Non-Assessable, on said San Francisco Mining Exchange should not be suspended for a period not exceeding twelve months or withdrawn, as provided in Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended; and

It is further ordered, that for the purpose of such proceeding, Howard A. Judy, an officer of the Commission, be and hereby is, designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that a public hearing for the taking of testimony begin on the 30th day of November 1936 at 10:00 a. m., at the regional office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as said officer may determine.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3338—Filed, November 10, 1936; 12:56 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of November A. D. 1936.

[File No. 2-1045]

IN THE MATTER OF REGISTRATION STATEMENT OF EMPORIA GOLD MINES, INC.

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Emporia Gold Mines, Inc. under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading,

It is ordered, that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on November 20, 1936, at 10 o'clock in the forenoon, in Room 203, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and to continue thereafter at such times and places as the officer hereinafter designated may determine; and

It is further ordered, that John H. Small, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3358—Filed, November 11, 1936; 12:45 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of November A. D. 1936.

[File No. 2-1428]

IN THE MATTER OF REGISTRATION STATEMENT OF NATIONAL INVESTED SAVINGS CORPORATION

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by National Invested Savings Corporation under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading.

It is ordered, that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on November 18, 1936, at 10 o'clock in the forenoon, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and to continue thereafter at such times and places as the officer hereinafter designated may determine; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records

deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3359—Filed, November 11, 1936; 12:45 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of November A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MAGNOLIA-A. HARRIS FARM, FILED ON OCTOBER 23, 1936, BY W. H. CARRAHER, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 11:00 o'clock in the forenoon of the 10th day of November 1936¹ at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon of the 24th day of November 1936, at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3361—Filed, November 11, 1936; 12:45 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of November A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-GASSOWAY FARM FILED ON OCTOBER 14, 1936, BY INDUSTRIAL INVESTMENT CORP., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on November 6, 1936, be effective as of November 9, 1936; and

It is further ordered that the Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3360—Filed, November 11, 1936; 12:45 p. m.]

¹ 1 F. R. 1963.² 1 F. R. 2071.

